

## **REMARKS/ARGUMENTS**

### **Status of the Application**

This application was filed on September 30, 2003 with 97 claims. A preliminary amendment was on March 31, 2005 amending the specification. A first office action was mailed by the Office on February 23, 2006. This response/amendment is in reply to the first office action.

Before the filing of this amendment, claims 1-97 were pending in the application. The office action rejected claims 1-97. Claims 1-11, 16-30, 35-39, 45-54, 58, 59, 62-68, 73-77, 83-91 and 94-96 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,745,021 to Stevens (hereinafter "Stevens"). Claims 12-15, 40-44, 55-57, 78-82, 92, 93 and 97 were rejected under 35 U.S.C. §103(a) as being unpatentable over Stevens in view of U.S. Patent Application Publication No. 2003/0069002 to Hunter et al. (hereinafter "Hunter"). Claims 31-34 and 69-72 were rejected under 35 U.S.C. §103(a) as being unpatentable over Stevens in view of U.S. Patent No. 6,463,273 to Day (hereinafter "Day"). Claims 60 and 61 were rejected under 35 U.S.C. §103(a) as being unpatentable over Stevens in view of the cited portions of U.S. Patent Application Publication No. 2002/0122136 to Safadi et al. (hereinafter "Safadi").

Claims 1, 21, 22, 47, 83, and 97 have been amended. No claims have been added or canceled. Hence, after entry of this amendment, claims 1-97 remain pending for examination. Applicant respectfully requests reconsideration of this application as amended, and in light of the remarks below

### **Amendments**

The specification has amended to add the serial number of a related application, which was previously incorporated by reference.

Claim 1 has been amended to recite "an alert gateway at a subscriber location." Claims 47, 83, and 97 have been amended in similar fashion. Support for these amendments can be found throughout the application, including specifically at paragraph 0051.

Claim 21 has been amended to recite “a video signal,” and claim 22 has been amended to depend from claim 20.

**35 U.S.C. §112 Rejection**

Claims 21-22 are rejected under the second paragraph of 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter because of insufficient antecedent basis for limitations in the claims. Claim 21 has been amended to recite “a video signal,” and claim 22 has been amended to depend from claim 20. It is believed that this amendment addresses the § 112, ¶ 2 rejections of claims 21 and 22. Reconsideration of those rejections is respectfully requested. Incidentally, claim 22 has been amended to correct a typographical error regarding which claim it depends from.

**35 U.S.C. §102 Rejection, Stevens**

The Office Action has rejected claims 1-11, 16-30, 35-39, 45-54, 58, 59, 62-68, 73-77, 83-91 and 94-96 under 35 U.S.C. §102(e) as being anticipated by Stevens. Applicant respectfully traverses these rejections, and in light of the remarks below, respectfully requests withdrawal of the §102 rejections.

**Independent Claims 1, 47 and 83**

Claim 1 recites “an alert distribution device in communication with the alert receiver and further in communication with a communication network, wherein the alert distribution device is configured to: select, based on the alert information, a set of one or more distribution addresses to which the alert applies; and transmit the alert to the selected set of distribution addresses via the communication network[.]” Stevens does not teach or suggest such an alert distribution device. The Office Action cites figure 2, number 140a, as well as column 3, line 23 through column 4, line 16 of Stevens as teaching this element. Those portions of Stevens describe a Mobile Switching Center/Visitor Location Register (“MSC”) which registers subscribers visiting the area controlled by the MSC and communicates this information to a

Gateway Mobile Switching Center ("GMSC"). The GMSC may then store this information in a Home Location Register ("HLR").

However, the MSC of Stevens does not teach or suggest an alert distribution device as recited in claim 1, at least because the MSC is not configured to select distribution addresses based on the alert information. *See, e.g., Stevens at Col. 3, Line 40 – Col. 4, Line 9.* Instead, the MSC registers subscribers visiting the area controlled by the MSC and communicates this information to the Gateway Mobile Switching Center ("GMSC"), which stores this information in the Home Location Register ("HLR"). *Id.* Neither the MSC, the GMSC, nor the HLR is "configured to: select, based on the alert information, a set of one or more distribution addresses based on the alert information," and for at least this reason, claim 1 is allowable over Stevens.

The GMSC of Stevens may possibly receive a request for a list of mobile subscribers located in certain geographic areas (*See, e.g., Stevens at Col. 3, Lines 40-45*); however, it is also not configured to select these subscribers based on the alert information. The Location Based Server of Stevens determines which geographic area an alert applies and thereafter sends a request to the GMSC for a list of mobile subscribers in a geographic area. *See, e.g., Stevens at Col. 3, Lines 28-45.* However, neither the MSC, GMSC, nor the HLR may "select" mobile subscribers based on the alert information as disclosed in claim 1, they may only respond to a request for certain information.

Similarly, claim 47 recites "selecting, based on the nature of the alert, a set of one or more distribution addresses to which the alert pertains," and claim 83 recites "means for selecting, based on the nature of the alert, a set of one or more distribution addresses to which the alert pertains." As noted above, Stevens fails to teach or suggest these elements, and claims 47 and 83 are allowable for at least this reason.

Amended Claim 1 also recites "an alert gateway at a subscriber location in communication with the communication network, wherein the alert gateway is: associated with one of the distribution addresses; adapted to receive the alert from the alert distribution device; and configured to take at least one specific action with respect to the alert." Stevens does not teach or suggest such an alert gateway. The Office Action cites figure 2, number 136, as well as

column 3, line 23 through column 4 line 16 of Stevens as teaching this element. Those portions of Stevens describe the GMSC, which stores information in the HLR and responds to requests for lists of mobile subscribers.

However, the cited portions of Stevens neither teach nor suggest the alert gateway of claim 1, at least because the GMSC is not adapted to receive an alert from the MSC (the component of Stevens cited by the Office Action as the alert distribution device of claim 1). Indeed, Stevens appears not to disclose any communication flowing from the MSC to the GMSC other than information related to the whereabouts of a particular subscriber. *See, e.g., Stevens at Col. 3, Line 40 – Col. 4, Line 9.*

Additionally, as amended, claim recites that an alert gateway is “at a subscriber location[,]” and is therefore further distinguishable over the GMSC, which is part of the interior of a communications network, and therefore not located at a subscriber location.

Similarly, claim 47 recites, “transmitting the alert to an alert gateway at a subscriber location and associated with one of the set of distribution addresses,” and claim 83 recites, “means for transmitting the alert to the set of one or more distribution addresses to which the alert pertains, each distribution address being associated with an alert gateway at a subscriber location.” As noted above, Stevens does not teach these elements, and claims 47 and 83 are allowable for at least these reasons as well.

Because Stevens does not contain all of the elements of claims 1, 47, and 83, Applicant respectfully requests withdrawal of the §102 rejections of those claims.

#### Dependent Claims 4 and 5

Claim 4 recites “wherein the alert gateway is incorporated within a network interface device.” Claim 5 recites “wherein the alert gateway is in communication with a network interface device.” Stevens does not teach or suggest a network interface device. The Office Action does not specifically cite portions of Stevens that contain the elements recited in claim 4 and 5. Additionally, Applicant can find no disclosure in Stevens of a network interface

device. Because Stevens does not contain all of the elements of claims 4 and 5, Applicant respectfully requests withdrawal of these §102 rejections.

Dependent Claims 8 and 9

Claim 8 recites “wherein the alert distribution device is further configured to extract the alert information from the alert message.” Claim 9 recites “wherein the alert distribution device is further configured to analyze the alert information to determine the set of one or more distribution addresses to which the alert applies.”

Stevens does not teach or suggest an alert distribution device configured to extract or analyze alert information. The Office Action does not specifically cite portions of Stevens that contain the elements recited in claim 8 and 9. Additionally, Applicant can find no disclosure in Stevens of an alert distribution device configured to extract or analyze alert information. The MSC disclosed by Stevens, and cited by the Office Action as the alert distribution device of the present application, is not configured to extract any alert information from an alert message as disclosed by claim 8. Furthermore, as discussed above in regards to claim 1, the MSC of Stevens is not configured to analyze alert information to determine a set of distribution addresses as disclosed by claim 9. Because Stevens does not contain all of the elements of claims 8 and 9, Applicant respectfully requests withdrawal of these §102 rejections.

Dependent Claims 20-23, 59 and 60

Claims 20 and 59 recites “the alert comprises audio information, and processing the alert comprises translating the audio information into textual information.” Claims 21 and 60 recites “translating the audio information comprises extracting closed-captioning information from a video signal.” Claim 22 recites “translating the audio information comprises converting a speech portion of the audio information to text.” Claim 23 recites “the alert comprises text, and wherein processing the alert comprises converting the text to audio information.”

Stevens does not teach or suggest translating, converting or extracting differing forms of media from audio or video sources. The Office Action cites column 4, lines 10-16, as well as column 6, lines 10-14 as teaching these elements. Those portions of Stevens describe

sending a pre-recorded voice mail or text message. However, this is different than the elements in claims 20-23, 59 and 60 because no translating, converting, or extracting is required to send a pre-recorded voice mail or text message.

Applicant can find no disclosure in Stevens of translating audio information into textual information as disclosed by claims 20 and 59; extracting closed captioning information from a video signal as disclosed by amended claims 21 and 60; converting speech to text as disclosed by claim 22; or converting text to audio as disclosed in claim 23. Stevens instead only refers to pre-recorded voice messages (*See, e.g., Stevens at Col. 4, Lines 13-16*), text messages (*See, e.g., Stevens at Col. 6, Lines 10-13*), and pages (*See, e.g., Stevens at Col. 7, Lines 46-51*). Because Stevens does not contain all of the elements of claims 20-23, 59 and 60, Applicant respectfully requests withdrawal of these §102 rejections.

Dependent Claims 25 and 63

Claims 25 and 63 recite “the alert is encoded with event and location information conforming to the Emergency Alert System standards, and wherein processing the alert comprises interpreting the event and location information.”

Stevens does not teach or suggest encoding an alert with event and location information conforming to the Emergency Alert System standards. The Office Action does not specifically cite portions of Stevens that contain the elements recited in claim 25 and 63. Additionally, Applicant can find no disclosure in Stevens of encoding an alert with event and location information conforming to the Emergency Alert System standards. Because Stevens does not contain all of the elements of claims 25 and 63, Applicant respectfully requests withdrawal of these §102 rejections.

Dependent Claims 36, 38, 74 and 76

Claim 36 recites “the at least one subscriber device includes a set of features associated with the at least one subscriber device, the alert gateway being configured to process the alert according to the set of features associated with the at least one subscriber device prior to sending the alert to the at least one subscriber device.” Claim 38 recites “each of the plurality of

subscriber devices includes a set of features associated with that subscriber device, the alert gateway being configured to process the alert according to the set of features associated with each particular subscriber device prior to sending the alert to that particular subscriber device.” Claim 74 recites “the at least one subscriber device includes a set of features associated with the at least one subscriber device, the method further comprising processing the alert according to the set of features associated with the at least one subscriber device prior to sending the alert to the at least one subscriber device.” Claim 76 recites “each of the plurality of subscriber devices includes a set of features associated with that subscriber device, the method further comprising processing the alert according to the set of features associated with each particular subscriber device prior to sending the alert to that particular subscriber device.”

Stevens does not teach or suggest processing an alert according to a set of features being associated with a subscriber device. The Office Action does not specifically cite portions of Stevens that contain the elements recited in claim 36, 38, 74 and 76. Additionally, Applicant can find no disclosure in Stevens of a set of features being associated with a subscriber device. Furthermore, Applicant can find no disclosure in Stevens of the GMSC, cited by the Office Action as the alert gateway of the present application, as being configured to process the alert according to such associated features. Because Stevens does not contain all of the elements of claims 36, 38, 74 and 76, Applicant respectfully requests withdrawal of these §102 rejections.

Dependent Claims 2-11, 16-30, 35-39, 45, 46, 48-54, 58, 59, 62-68, 73-77, 84-91 and 94-96

Claims 2-11, 16-30, 35-39, 45, 46, 48-54, 58, 59, 62-68, 73-77, 84-91 and 94-96 all depend, either directly or indirectly, from allowable base claims. These dependent claims are therefore also believed to be allowable at least by virtue of their dependence from allowable claims.

**35 U.S.C. §103 Rejection, Stevens in view of Hunter**

The Office Action rejected claims 12-15, 40-44, 55-57, 78-82, 92, 93 and 97 under 35 U.S.C. §103(a) as being unpatentable over Stevens in view of Hunter. Applicant

respectfully traverses these rejections, and in light of the remarks below, respectfully requests withdrawal of these §103 rejections.

Dependent Claims 15 and 56

Claim 15 recites “the communication network is a first communication network; the alert distribution device is further in communication with a second communication network, which is also in communication with the alert gateway; and the alert distribution device is configured to select the second communication network for retransmission of the alert.” Claim 56 recites “transmitting the alert comprises transmitting the alert via a first path; and retransmitting the alert comprises transmitting the alert via a second path.”

Stevens and Hunter, taken either alone or in combination, fail to teach or suggest using a second communication network or path to retransmit an alert if a confirmation message is not received after originally transmitting the alert over the a first communication network or path. The Office Action does not specifically cite portions of Stevens or Hunter that contain the elements recited in claim 25 and 63. Hunter does disclose determining whether to retransmit a message based upon receipt of an acknowledgement. *See, e.g.,* Hunter *at* Paragraph [0112]. However, Applicant can find no disclosure in Stevens or Hunter of using a second communication network or path to retransmit an alert if a confirmation message is not received after originally transmitting the alert over the a first communication network or path. Because Stevens and Hunter do not contain all of the elements of claims 15 and 56, Applicant respectfully requests withdrawal of these §103 rejections.

Dependent Claims 43 and 81

Claim 43 recites “the alert is retransmitted to a second subscriber device.” Claim 81 recites “retransmitting the alert comprises transmitting the information to at least one additional subscriber device.”

Stevens and Hunter do not teach or suggest retransmitting a message to a second device for which there was no confirmation of receipt from a first device. The Office Action does not specifically cite portions of Stevens or Hunter that contain the elements recited in claim



43 and 81. Indeed, Applicant can find no disclosure in Stevens or Hunter of retransmitting a message to a second device for which there was no confirmation of receipt from a first device. Because Stevens and Hunter do not contain all of the elements of claims 43 and 81, Applicant respectfully requests withdrawal of these §103 rejections.

Dependent Claims 12-15, 40-44, 55-57, 78-82, 92 and 93

Claims 12-15, 40-44, 55-57, 78-82, 92 and 93 all depend, either directly or indirectly from independent or dependent claims that are believed to be allowable. These dependent claims are therefore also believed to be allowable at least by virtue of their dependence from allowable claims.

Independent Claim 97

As noted above, Stevens fails to teach or suggest each element of claim 83. Because Hunter does not supply the disclosure missing from Stevens, independent claim 97 is believed to be allowable for at least substantially similar reasons as claim 83.

**35 U.S.C. §103 Rejection, Stevens in view of Day**

The Office Action has rejected claims 31-34 and 69-72 under 35 U.S.C. §103(a) as being unpatentable over Stevens in view of Day. Applicant respectfully traverses these rejections, and in light of the remarks below, respectfully requests withdrawal of these §103 rejections.

Claims 31-34 and 69-72 all depend, either directly or indirectly from allowable base claims and therefore believed to be allowable at least by virtue of their dependence from allowable claims.

**35 U.S.C. §103 Rejection, Stevens in view of Safadi**

The Office Action has rejected claims 60 and 61 under 35 U.S.C. §103(a) as being unpatentable over Stevens in view of Safadi. Applicant respectfully traverses these rejections, and in light of the remarks below, respectfully requests withdrawal of these §103 rejections.

As noted above, Stevens fails to teach or suggest each element of claim 47, and Safadi fails to supply the disclosure missing from Stevens. Because claims 60 and 61 ultimately depend from claim 47, they are believed to be allowable at least by virtue of their dependence from allowable claims.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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/Chad E. King/

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